

REMARKS

Applicants' attorney again thanks the Examiner for taking the time to discuss this case during our recent interview. Applicants have made the minor grammatical changes to claim 1 to remove intended use language, as the Examiner requested. As acknowledged, these changes should have no effect on the scope of the claim protection. Thus, as discussed in the interview, claims 1-24 are in allowable form and the Applicants respectfully request a Notice of Allowance.

While Applicants expect the claims to be allowed, Applicants address the rejections raised in the recent Office Action to confirm that the cited reference does not render the current claims unpatentable. The Office has rejected the current claims as being anticipated by Cunningham. The Office's entire argument consists of stating that "Cunningham discloses . . . using a computer for filling out an application on a web/page/server . . . an online credit report . . . based upon approval criteria . . . done in real-time." (Office Action at 2.) The Office apparently ignores that Cunningham does not disclose "the buyer' s computer responding to input upon completion of the credit application causing the credit application to be automatically analyzed based on the at least one credit approval criterion," nor does it disclose " one of the first web server or a second web server automatically communicating in real time an approval of the credit application to the buyer' s computer if the credit application meets the at least one credit approval criterion." Cunningham discloses a system for applying for a financial card (i.e. credit card). If approved, the financial institution then processes the application and sends the card to the applicant at a later date:

If the applicant accepts one of the offers, the application data for the applicant is forwarded to the financial institution that made the accepted offer. The financial institution then processes the application and makes arrangements to send the financial card to the applicant.

Cunningham (col. 5, lns. 1-5). Accordingly, unlike the claimed invention, the system disclosed in Cunningham does not provide a consumer with an automatic analysis and approval notice.

For each of these reasons, claims 1-27 of the present application are not obvious in light of Cunningham.¹

CONCLUSION

Based on at least the foregoing, the Applicants believe that claims 1-27 are in condition for allowance.

Applicants appreciate the Office's thorough examination of this case, which has been pending for over six years and has been subject to multiple different rejections in light of multiple different references. Given the state of the prosecution, however, if the Examiner disagrees or has any question regarding this submission, the Applicants request that the Examiner set-up a telephone interview with the undersigned at (312) 775-8000 prior to issuing any further action.

¹ In the event that the Office instead chooses to maintain its obviousness rejection, the Office should be required to provide a new rejection providing a clear basis for its position. M.P.E.P. Section 707 and 37 CFR 1.104(c)(2) both require an Examiner to clearly state the basis for rejecting the claims. Examiners are required to address each limitation of each claim, and are prohibited from making omnibus rejections of all claims unless that rejection is applicable to all claims. Not only did the Office not clearly articulate the basis for rejecting each pending claim, but the Office failed to address numerous limitations contained in the pending claims. Thus, in the event that the Office intends to maintain this objection, the Office should be required to comply with its obligations under the M.P.E.P. and Code of Federal Regulations, and clearly articulate its basis for rejecting each of the pending claims.

A Notice of Allowance is courteously solicited.

Respectfully submitted,

Dated: July 30, 2007

By: _____



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